

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BOTIMA MANGUNGU and GRACE  
MANGUNGU,

Plaintiffs,

v.

CITY OF SEATTLE; SEATTLE POLICE  
DEPARTMENT; OFFICER TOM CONRAD  
and JANE DOE CONRAD, husband and  
wife and the marital community composed  
thereof; and SERGEANT STEVEN  
JANDOC and JANE DOE JANDOC,  
husband and wife and the marital  
community composed thereof,

Defendants.

No. C03-1053P

DECLARATION OF JENNIFER A.  
TRAN IN SUPPORT OF CITY'S  
MOTION FOR  
RECONSIDERATION AND  
ALTERNATIVE MOTION  
REQUESTING CERTIFICATE OF  
APPEALABILITY

**NOTE ON MOTION CALENDAR:  
FRIDAY, MAY 21, 2004**

JENNIFER A. TRAN declares as follows:

1. I am one of the attorneys of record for the defendant City of Seattle and  
make this declaration based on my own personal knowledge.

DECLARATION OF JENNIFER A. TRAN IN  
SUPPORT OF CITY'S MOTION FOR  
RECONSIDERATION, ETC.- 1

C03-1053P

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STAFFORD FREY COOPER  
Professional Corporation

ATTORNEYS  
3100 TWO UNION SQUARE  
601 UNION STREET  
SEATTLE, WASHINGTON 98101-1374  
TEL. (206) 623-9900  
FAX (206) 624-6885

1           2.     Attached hereto as Exhibit A is a true and correct copy of Plaintiff's First  
2 Set of Interrogatories and Requests for Production to the City and the City's Responses  
3 Thereto.

4           3.     None of the files produced to the court involved Mr. Mangungu. None of  
5 the files involved the named defendant officers. None of the files involved allegations  
6 that officers improperly responded to information ascertained from tracking devices  
7 used to locate stolen money and/or robbery suspects. And only one of the 55 files  
8 involved a "substantiated" claim.

9           4.     On Monday, May 3, 2004, I telephoned the court seeking clarification of  
10 the Order as it relates to civilian witnesses, police officer witnesses, medical records  
11 and criminal history records. I was informed that I must move for clarification of the  
12 issues. Accordingly, on that day, the City filed its motion for clarification of the Order  
13 and sought an extension of time pending the court's ruling. The next day, the court  
14 telephoned the City and noted the court did not intend the Order to allow for the  
15 redaction of any identifying information of civilian witnesses or police officer witnesses,  
16 nor did the Order intend to preclude the disclosure of medical records and criminal  
17 history records. In light of the court's oral clarification, the City determined that its  
18 motion for clarification was moot, and agreed to strike the motion. The court  
19 subsequently entered a Minute Order clarifying the Court's previous order. The court  
20 struck the City's motion for clarification, but deferred its ruling on the City's request for  
21 an extension of time after Plaintiff's responsive briefing.

22           I declare under penalty of perjury according to the laws of the State of  
23 Washington that the foregoing is true and correct.

DECLARATION OF JENNIFER A. TRAN IN  
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1 DATED this 21<sup>st</sup> day of May, 2004, at Seattle, Washington.

2  
3 /s/Jennifer A. Tran via ECF  
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DECLARATION OF JENNIFER A. TRAN IN  
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Certificate of Service

I certify that on the date noted below I presented DECLARATION OF JENNIFER A. TRAN IN SUPPORT OF CITY'S MOTION FOR RECONSIDERATION AND ALTERNATIVE MOTION REQUESTING CERTIFICATE OF APPEALABILITY to the Clerk of the Court for filing and uploading to the CM/ECF system which will send notification of such filing to the following persons:

Andrew Schwarz  
[awslaw@wolfnet.com](mailto:awslaw@wolfnet.com)  
119 - 1st Avenue, #320  
Seattle, WA 98104  
(206) 622-9909  
FAX: (206) 622-6636  
*Attorney for Plaintiffs*

and I certify that I have caused to be served in the manner noted below a copy of the above-listed document to the following non CM/ECF participants:

☐ Via Facsimile  
☐ Via First Class Mail  
☐ Via Messenger

DATED this 21<sup>st</sup> day of May, 2004, at Seattle, Washington.

/s/ Jennifer A. Tran, via ECF  
Jennifer A. Tran, WSBA #28756

DECLARATION OF JENNIFER A. TRAN IN  
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